

RECEIVED
EXECUTIVE DIRECTOR
BOARD OF EDUCATIONAL EXAMINERS
**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA**

OCT 25 2021

In the matter of:)	BOEE Case No. 21-83
)	Folder # 1023715
Jason Kingbird,)	
)	COMBINED STATEMENT OF
Respondent.)	CHARGES, SETTLEMENT
)	AGREEMENT, AND FINAL ORDER

In accordance with the provisions of Iowa Code sections 17A.12(5) and 272.2(4) and 282 Iowa Administrative Code rule 11.4(6), and with full knowledge of the right to demand a formal hearing before the Board upon the pending complaint prior to the imposition of sanction upon his license(s), the Respondent expressly waives the right to a disciplinary hearing and notifies the Board of his desire to resolve the pending complaint through means of informal disposition.

The Respondent concedes the jurisdiction of the Board for all issues relevant hereto and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided. If the Board does not accept the terms of this agreement, the disciplinary hearing will be rescheduled and the stipulations contained herein are not binding upon the Respondent and will not be presented against him at the time of hearing without further agreement of the Respondent.

Board approval of this settlement shall constitute resolution of this matter and will be entered as a FINAL ORDER of the Board.

NOTICE OF HEARING

A hearing in this matter will not be held, as the State and Respondent have entered into the following consent agreement in lieu of scheduling a contested case hearing. If the Board does not accept this Combined Statement of Charges, Settlement Agreement, and Final Order, the matter may be set for hearing in accordance with 282 Iowa Administrative Code rule 11.7.

STATEMENT OF CHARGES

Count I

Respondent is charged with being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming alcohol, in violation of 282 Iowa Administrative Code rule 25.3(2)(b).

STIPULATIONS

1. Respondent holds a Standard License (Folder #1023715) with the following endorsements: K-6 Teacher Elementary Classroom and K-8 Art. This license is current and will next expire on May 31, 2022.
2. During all material events of this case, Respondent was employed as a teacher with the Meskwaki Settlement School.
3. On June 15, 2021, the Board of Educational Examiners received a complaint against Respondent alleging various violations.
4. On September 10, 2021, the Board found probable cause to proceed to hearing based on the facts set forth in paragraph 5 below.
5. Investigation revealed that on or about May 28, 2021, the Respondent was shown to be under the influence of alcohol and five empty mini bottles of alcohol were found in his classroom waste bin.
6. Respondent agrees and admits that if this case proceeded to an administrative hearing, the evidence presented could be sufficient to support a finding that he violated the Standards of Professional Conduct and Ethics as outlined in paragraph 5 above.

SETTLEMENT AGREEMENT

7. This Settlement Agreement and Final Order constitutes the final resolution of a contested case proceeding and shall have the force and effect of a disciplinary order entered following a contested case hearing.
8. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:
 - a. Respondent accepts a WRITTEN REPRIMAND.
 - b. Respondent accepts a SUSPENSION of his license(s) for a minimum of ONE (1) YEAR from the date the Board approves this settlement. Respondent agrees he bears the burden of applying for reinstatement pursuant to 282 Iowa Administrative Code 11.34 and that he bears the burden of proving that the basis for his suspension no longer exists and that it will be in the public interest to reinstate his license(s). Additionally, Respondent agrees he is not eligible for reinstatement or to apply for any other license or authorization issued by the Board until he satisfactorily completes the requirements of subparagraphs (c), (d), and (e) below.
 - c. Respondent agrees to successfully complete at least fifteen in-person contact hours in "Ethics for Educators," which is offered by the ISEA, or "Ethical

Educators,” which is offered by the PEI. Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the ethics course prior to seeking reinstatement.

d. Respondent agrees to undergo a substance abuse evaluation and provide that evaluation to the Board of Educational Examiners at the time of request for reinstatement. That substance abuse evaluation shall be completed within THIRTY (30) DAYS of the date of Respondent’s request for reinstatement. This evaluation shall be performed by a licensed professional selected by Respondent, with prior approval by the Board’s Executive Director. Respondent shall provide the professional a copy of the complaint, the investigative file, and this Settlement Agreement and Final Order prior to the evaluation. Respondent shall ensure the Board receives a copy of the evaluation report from the approved professional within THIRTY (30) DAYS of the completion of the substance abuse evaluation. Respondent shall comply with any recommendations for treatment and/or training resulting from the evaluation and must successfully complete any recommended boundaries counseling prior to seeking reinstatement. Respondent is responsible for all costs of the evaluation and any treatment and training. Respondent is not eligible for reinstatement until the Board determines he has satisfactorily completed this requirement.

e. Respondent agrees to undergo a mental health evaluation that includes an assessment of his ability to establish and maintain appropriate mental health stability and safety given the stress of the classroom. This evaluation shall be performed by a licensed professional selected by Respondent, with prior approval by the Board’s Executive Director. Respondent shall provide the professional a copy of the complaint, the investigative file, and this Settlement Agreement and Final Order prior to the mental health evaluation. Respondent shall ensure the Board receives a copy of the evaluation report from the approved professional within THIRTY (30) DAYS of the completion of the mental health evaluation. Respondent shall comply with any recommendations for treatment and/or training resulting from the evaluation and must successfully complete any recommended counseling prior to seeking reinstatement. Respondent is responsible for all costs of the evaluation and any treatment and training. Respondent is not eligible for reinstatement until the Board determines he has satisfactorily completed this requirement.

LICENSEE DECLARATION

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

I understand that I have the right to be represented by counsel in this matter.

I understand State's counsel will present this Combined Statement of Charges, Settlement Agreement, and Final Order to the Board *ex parte*.

I agree to comply with the requirements set forth in the stipulations and requirements of this Combined Statement of Charges, Settlement Agreement, and Final Order and understand that my failure to do so can result in additional discipline of my license(s).

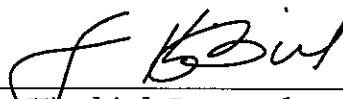
I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Board and that by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to appeal or seek judicial review of the Board's actions.

I understand that this Combined Statement of Charges, Settlement Agreement, and Final Order is a public record, which will become part of my permanent licensure file and will be available for public inspection and reproduction.

I understand that my name will be added to the national clearinghouse database kept by the National Association of State Directors of Teacher Education and Certification (NASDTEC).

10/22/2021

Date



Jason Kingbird, Respondent

ORDER

IT IS THE FINAL ORDER OF THE IOWA BOARD OF EDUCATIONAL EXAMINERS THAT:

1. The conduct with which Respondent has been charged constitutes a violation of the Code of Professional Conduct and Ethics governing the teaching profession. Respondent is REPRIMANDED for the charged conduct.

2. Additionally, Respondent's license is SUSPENDED for a minimum of ONE (1) YEAR from the approval of this settlement. Respondent bears the burden upon reinstatement to prove that the reason for suspension no longer exists and that it will be in the public interest to reinstate his license. Additionally, Respondent is not eligible for reinstatement or to apply for any other license or authorization issued by the Board until he satisfactorily completes the requirements of paragraphs (3), (4), and (5) below.

3. Respondent shall successfully complete at least fifteen in-person contact hours in "Ethics for Educators" or "Ethical Educators." Respondent is responsible for all costs associated with the completion of the educational course. Respondent shall provide the Board with proof of completion of the ethics course prior to seeking reinstatement.

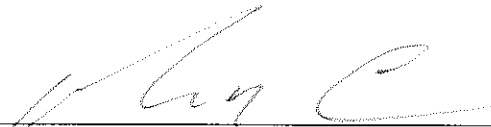
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5. Respondent shall undergo a mental health evaluation that includes an assessment of his ability to establish and maintain appropriate mental health stability and safety given the stress of the classroom. This evaluation shall be performed by a licensed professional selected by Respondent, with prior approval by the Board's Executive Director. Respondent shall provide the professional a copy of the complaint, the investigative file, and this Settlement Agreement and Final Order prior to the mental health evaluation. Respondent shall ensure the Board receives a copy of the evaluation report from the approved professional within THIRTY (30) DAYS of the completion of

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6. In determining the appropriate sanction to impose in this case, the Board has considered the nature and seriousness of the allegations as well as mitigating circumstances.

Dated this 10th day of December, 2021.



Michael D. Cavin, Executive Director
Iowa Board of Educational Examiners

Copies to:

Jason Kingbird
RESPONDENT

Kristi A. Traynor
ATTORNEY FOR THE STATE